



AGENCY OF EDUCATION &
AGENCY OF HUMAN SERVICES

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MEMORANDUM

TO: Vermont School Boards and Superintendents

FROM: Rebecca Holcombe, Secretary, Agency of Education
Harry Chen, M.D., Secretary, Agency of Human Services

SUBJECT: Transition Relief Bulletin for Vermont School Districts Regarding the Implementation of [Act 166 of 2014](#). *An act relating to providing access to publicly funded prekindergarten education*

DATE: November 25, 2014

I. PURPOSE AND OVERVIEW

This notice provides transition relief to Vermont school districts for the 2015-2016 school year from the prekindergarten enrollment requirements set forth in [Section 5 of Act 166 of 2014](#). This transition relief will provide additional time for the adoption of administrative rules consistent with the effective implementation of the law. This is also intended to provide school districts, school board members and Town Meeting Day voters the necessary time to adapt their local school budgets, so that Act 166 will be fully effective prior to the adoption of local school budgets.

II. BACKGROUND

Act 166 of 2014 has an effective date for universal prekindergarten enrollments of **July 1, 2015**. The law was enacted on May 10, 2014. The implementation of the law requires the promulgation of administrative rules by the Vermont State Board of Education as follows:

“The Secretary of Education and the Commissioner for Children and Families shall jointly develop and agree to rules and present them to the State Board for adoption under 3 V.S.A. Chapter 25.” See Act 166 at Section 1, amending (generally) 16 V.S.A. § 829.

We expect final administrative rules to be adopted sometime in **June 2015**. The Agency of Education (AOE) and Department for Children and Families (DCF) are presently initiating formal rulemaking procedures on behalf of the State Board of Education. Here is the expected timeline and some background information moving forward:

- December 2014 — Filing of proposed rules with the Secretary of State.
- January 2015 — Online publication of the proposed rules by the Secretary of State.

- February 2015 — Public Hearings begin. AOE and DCF expect to hold about six (6) regional forums throughout Vermont in February and March 2015.
- April 2015 — Written public comment period followed by filing the Final Proposed Rules with the Secretary of State and the Legislative Committee on Administrative Rules.
- June 2015 — Legislative Committee on Administrative Rules (LCAR) votes on the proposed rules. If there are any objections by LCAR, AOE and DCF (on behalf of the State Board) must respond within fourteen (14) days.

After the final vote by LCAR, prekindergarten rules can be formally adopted by the State Board of Education.

III. SCHOOL DISTRICT BUDGETS FOR 2015-2016

Pursuant to 16 V.S.A. § 428, “at each annual town school district meeting, the electorate shall vote such sums of money as it deems necessary for the support of schools.” Without final administrative rules implementing Act 166, School Boards cannot assure voters on Town Meeting Day (on March 3, 2015) that their school district’s proposed budget will accurately reflect the sums of money deemed necessary for the support of schools. Final clarity on the necessary expenditures for universal access to prekindergarten will not be known, with reasonable certainty, until June of 2015 at the earliest. Accordingly, Vermont’s school boards will not be able to prepare proposed budgets to voters that reflect reliable prekindergarten costs until **Town Meeting Day 2016**. See 16 V.S.A. § 563(11)(A).

IV. SCHOOL DISTRICT BUDGETS FOR 2016-2017

Schools should plan to include funding for universal access in their 2016-2017 school year budgets.

V. WHAT DOES THIS MEAN FOR OTHER PROVISIONS IN ACT 166?

Answer: This transition relief through June 30, 2016 from Section 5 of Act 166 **does not impact** the effective date or application of any other provisions of Act 166.

VI. CAN SCHOOL DISTRICTS MAINTAIN CURRENT PRE-K PROGRAMS UNDER ACT 62 OF 2007 FOR 2015-2016 SCHOOL YEAR?

Answer: **Yes.** School districts that already provide access to pre-kindergarten under Act 62 of 2007 may continue to do so for the 2015-2016 school year. Districts that choose this option should plan and budget in the normal course for the 2015-2016 school year.

VII. CAN SCHOOL DISTRICTS START NEW PROGRAMS UNDER ACT 166 FOR THE 2015-2016 SCHOOL PRIOR TO THE ADOPTION OF FINAL RULES?

Answer: **Yes.** AOE and DCF will work with any school district that would like to move forward with providing universal access to prekindergarten on July 1, 2015. For any school district that decides to initiate enrollments on July 1, 2015, the AOE and DCF cannot provide any assurance that cost estimates contained in proposed budgets will reflect actual costs. This may cause some transition issues, but we will help school districts that may choose to plan now for the 2015-2016 school year. In the alternative, school districts can choose to wait one (1) year as set forth in this Bulletin.